

**TOWN OF KITTERY
PLANNING BOARD MEETING**

Thursday, February 17, 2005

APPROVED
Council Chambers

Meeting called to order at: 6:20 p.m.

Present: Doug Muir, Ron Ledgett, Chairman Russell White, Janet Gagner, Megan Kline, Jerry Solich

1. ROLL CALL

Roll call noted.

2. APPROVAL OF PREVIOUS MEETING MINUTES

Mr. Ledgett suggests having the marked up revisions be the minutes. At a workshop, it seems the product should be the minutes. A consensus is reached accepting Mr. Ledgett's suggestion.

Mr. Solich moves to accept the meeting minutes of December 16, 2004, as approved.

Ms. Gagner seconds.

All in favor.

3. DISCUSSION

Ms. Gagner has brought with her comments from a Kittery resident. She has pictures of the storage unit on Route 1. He says that a pitched roof design is not always feasible. He also talks about parking in front of buildings, facades, the color of buildings, etc. She provides a copy of what he has written to everyone. Chairman White thinks that he has made good points that we need to address. Should flat roof buildings be allowed in commercial zones? Ms. Kline thought that engineers were saying that the roofs should not be flat in this region. Ms. Gagner says that it is a problem, though, because of falling ice, like in Portsmouth. Mr. Ledgett says that you see falling ice in Boston also, but you don't see roofs caving in. Flat roofs are more likely to leak. Mr. Solich says that the huge chains have adapted to blend into their surroundings and do a very good job of it if the town makes them do that. Mr. Ledgett thinks we should consider these comments, but the primary thrust of what we are doing is to have the town go forward with a certain design character that is not what is being put forth in this memo. Chairman White does not buy that a business needs to be ugly and full of cars to look occupied. Ms. Gagner thinks it makes a difference when you can see people coming and going.

Review Commercial, carried forward from last meeting

Page 2: It is agreed that the following headings should read:

2. "The following uses are special exceptions only in the c-1 subdistrict:"

b.2. "The following uses are permitted uses only in the c-2 subdistrict and c-3 subdistrict."

Ms. Kline says the comments at the Council level were that it is very hard to see how they will keep the separation between new cars and used car sales. Chairman White says that it already existed in the ordinance. Mr. Solich says that they have to meet certain standards for new car sales. There are no standards for used car sales, so we don't want that. Mr. Ledgett adds that if you are selling new cars, you can sell used cars.

Ms. Kline says that Council still wants to know where the setback language is coming from with respect to a repair garage. Is there a discrimination issue? That has already been given to Jim.

Mr. Solich says it is discrimination. If there is a repair garage, and someone wants to move right next to it, they can. However, with the noise associated with the garage, the garage should not be able to move in right next to someone.

Mr. Ledgett says that we need a definition for mini-warehousing. Ms. Gagner thinks Mark Eyerman was going to do that.

Mr. Solich says that research laboratories should be changed to research and development. There is no definition for research laboratories.

Mr. Muir read the definitions of nursery school and daycare and there are subtle distinctions between them. Nursery school is a half day and may have an educational component. Daycare has no time limit and does not need to be educational. Mr. Muir does not know that this should be in the commercial area. Ms. Gagner says that it can be an accessory use. Mr. Ledgett says particularly with part-time employees. Ms. Gagner says that there are some already there. There is some discussion over whether and to what extent the State regulates daycare facilities. Ms. Gagner thinks they check the safety of the building, but not the outside.

Temporary intrafamily dwelling unit exists in the code. We are not changing it.

We have discussed the special exceptions with which Town Council has a problem.

Mr. Ledgett says as soon as you create special exceptions, that means they have to go to the ZBA. He was looking through the state statutes trying to understand that. Why isn't it Planning Board domain? There is a lengthy discussion about this and the confusion and problems it can raise for the applicant.

Consider adding a site plan review by the Planning Board for special exceptions and removing the ZBA's role in reviewing special exceptions.

Ms. Gagner thinks we should tighten up the definition of special exceptions.

Chairman White thinks we need to research whether there is a particular reason special exceptions are assigned to the ZBA.

Council is asking how busy we want the ZBA to be.

Page 3. These words right now are the same as the MU. Ms. Gagner wants to know what we want when we say "visually screened." Are we saying this is for car lights? Ms. Kline says the design handbook could show a picture of screening from light spill. Mr. Muir does not see the issue of light spill from a car in the commercial zone. Chairman White says the problem is

where we have a residential zone and cars coming at night. Mr. Muir can see that in that area. Ms. Gagner thinks that we should say it somewhere about the lights. Mr. Ledgett says that the Comprehensive Plan has something about it. Mr. Ledgett thinks that we should to put it in the design handbook, as does Mr. Solich. Chairman White thinks that we should take into account a standard that takes into account the biggest SUV.

Clarification is needed as to the term “visually screened” and an example should be provided in the design handbook.

In b, “new buildings should be compatible” needs to be changed to “shall”

“In general, buildings should be oriented” should be left as is.

We allow for a flat roof if the applicant demonstrates to the Planning Board’s satisfaction that a pitched roof is not practicable. *We should add that to the LB.* Mr. Muir does not think that we meet the citizen’s concern with this language. What is the primary roof form? Is it what is visible from the road or the roof itself? Mr. Muir asks if you put an addition on your building and the addition has a flat roof, he would think that was fine because it’s not the primary roof. Chairman White says some existing historical buildings have flat roofs. Mr. Ledgett suggests changing primary to prominent. If we change it, then there is latitude for the Planning Board to do something different. *Consensus to change “primary roof form” to “prominent roof form” in both locations.*

Chairman White reminds the Board that we are doing the commercial zone, not the Foreside. If they put it in the right place with the right facade, it may be perfectly acceptable. Mr. Ledgett reads from Kittery Foreside. Mr. Solich thinks that is good language. We could put something that allows for flat roofs if they are disguised.

Use the foreside district language with less pitch re: flat roofs.

Change “should be screened” to “shall be screened”

Ms. Gagner says it is impossible to screen overhead doors. It says they shall be located on the side or rear of the building and screened from view of public street or residence. Ms. Gagner wants to know what the point is. Why do we care if it is in the commercial zone? Chairman White says that there will be a lot of uses beside each other. *Change to “screened from view from adjacent properties in residential use.”*

In landscaping standards, “to achieve attractive and environmentally sound site design and ...” and we changed “remodeled” to “modified existing”

“A minimum of 30' in depth” Width would be frontage on the street.

Page 5 is where we stopped.

4. ADJOURNMENT

Ms. Kline moves to adjourn and Mr. Solich seconds. All in favor. Adjourn at 9:30 pm.